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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/507,182	09/09/2004	Arnd Ritz	DE 020066	1800

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EXAMINER

MACCHIAROLO, PETER J

ART UNIT	PAPER NUMBER
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2879

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/507,182	Applicant(s) RITZ ET AL.	
	Examiner Peter J. Macchiarolo	Art Unit 2879	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2007.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-17 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 22 January 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application on 01/22/2007. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01/22/2007 has been entered. However, pending claims 1-17 are not allowable as explained below. An action on the RCE follows.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5 and 7-9 are rejected under 35 U.S.C. 102(b) as being anticipated by previously cited Parham et al (USPN 5676579; “Parham”).

Regarding claim 1, Parham discloses in figures 14 and 16, a reflector lamp with a light source (fig. 14; 260) contained within a hollow discharge vessel (292) having an extended end (uncoated light source portion of 264 best seen in figure 15), an exposed electrode (not labeled electrode extending from the end, best seen in figure 15) extending out of the end, a main reflector (inside surface of 252c), a neck portion (extension of base portion 252a not labeled) extending from said main reflector (inside surface of 252c), and at least one primary reflector

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(coating 290) which is configured to provide a reflection through the light source (260) onto the main reflector (inside surface of 252c) of those light portions (rays not labeled) originating from the light source which propagate in the direction of optically inactivated regions (inside reflecting surface of neck) of the main reflector (inside surface of 252c) or regions of the main reflector (inside surface of 252c) obscured by other objects (276), wherein the at least one primary reflector (290) covers a portion (an end portion) of the hollow discharge vessel (292) but does not mostly cover the end (not labeled extending from 264 in fig. 15), and wherein the end (not labeled extending from 264 in fig. 15) extends in the direction of the optically inactivated regions (inside reflecting surface of neck toward 280) of the main reflector (inside surface of 252c).

Regarding claim 2, Parham discloses in figure 14 said optically inactivated regions (inside reflecting surface of neck) are formed by a through passage (not labeled, see col. 8, ll. 45-51) in the main reflector (inside surface of 252c) that is provided for a lamp (250) comprising the light source (260).

Regarding claim 3, Parham discloses in figure 14 said objects (267) are other means provided for activating and/or operating the light source.

Regarding claim 4, Parham discloses in figure 14 and the abstract that the primary reflector (290) is formed by an optically reflecting coating which is provided on a surface of a lamp (254) comprising the light source (260).

Regarding claim 5, Parham discloses in the abstract the optically reflecting coating (290) is formed by a metal layer or by a plurality of dielectric layers or dichroic filters (tantala and silica).

Regarding claim 7, Parham discloses in figure 14 the reflector lamp further comprises a reflector body (entire assembly 250) with a reflector portion (252c) supporting the main reflector (inside surface of 252c) said neck portion (extension of base portion 252a not labeled) being configured for introducing a lamp (254) comprising the light source (260).

Regarding claim 8, Parham discloses in figure 14 the light source (260) is an arc discharge in a high-pressure gas discharge lamp (see col. 3 ll. 29-32).

Regarding claim 9, the Examiner notes that the preamble recites that the reflector lamp is used in a projection system. This is an intended use type preamble, since it merely recites the intended use of a reflector lamp. Where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone, the preamble is generally not accorded any patentable weight. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951). In this case, the preamble has been considered, however is not patentable over Parham since the reflector lamp can be used in a projection system.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Parham in view of previously cited Davenport et al (USPN 5675677; "Davenport").

Regarding claim 6, Parham discloses in figure 14 the lamp further comprises a reflector body (250) with a reflector portion (252c) supporting the main reflector (inside portion of 252c), said neck portion (extension of base portion 252a not labeled) being configured for introducing a lamp (254) comprising the light source (see col. 8, ll. 45-51).

Parham does not disclose in the embodiment of figure 14 that the geometric continuation of the main reflector (inside portion of 252c) passing through a burner (not labeled portion of lamp 254 which produces light) of the lamp (254).

However, Davenport teaches at least in figure 1a and col. 2, ll. 22-25 that it is possible to manufacture a lamp with a main reflector (130), the light source having a primary reflector (116), wherein the geometric continuation of the main reflector (130) will pass through the burner (not labeled) of the lamp (114), and this configuration will allow for a more compact lamp that efficiently transmits light.

Therefore, in view of the above discussion, it would have been obvious to one having ordinary skill in the art at the time the invention was made to construct the lamp of Parham with the geometric continuation of the main reflector will passing through the burner of the lamp to

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reduce the overall length of the main reflector and neck lamp portion thereby the entire lamp assembly more compact and efficient, thereby fitting into specific platforms and meeting specific market demands.

Claims 10-12 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parham in view of previously cited Eggink et al (USPN 5646473; "Eggink").

Regarding claim 10, Parham discloses in figures 14 and 16, a lamp comprising a substantially ellipsoid-shaped discharge vessel (fig. 14; 258) configured to sustain a discharge; a vessel reflector (fig. 15; 290) at least partially covering said ellipsoid-shaped discharge vessel (258); a reflection portion (252b) covered with a further reflector (inside surface of 252b); and a neck portion (extension of base portion 252a not labeled) extending from said reflection portion (252b), wherein said ellipsoid-shaped discharge vessel (258) has an extended end (not labeled, uncoated end 264 best seen in figure 16) wherein an exposed electrode (not labeled, electrode extending from end) extends out of said end, wherein said vessel reflector (290) covers a portion of said substantially ellipsoid-shaped discharge vessel (258) but does not mostly cover said end (not labeled, uncoated end 264 best seen in figure 16), and wherein said end extends in the direction of said neck portion (extension of base portion 252a not labeled).

The Examiner notes that figure 14 of Parham is not drawn to scale and the ellipsoid-shaped discharge vessel may indeed be in the neck portion. But, this is not clear and Parham does not expressly disclose this configuration.

However, Eggink teaches at least in figure 1 and col. 1, ll. 47-53 a lamp with a discharge vessel that can be located within said neck portion allows for a more compact lamp assembly which can fit into more platforms.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to construct the lamp of Parham with at least a portion of said discharge vessel being located within said neck portion, to reduce the overall length of the reflection and neck portions, thereby making the entire lamp assembly more compact, thereby fitting into specific platforms and meeting specific market demands.

Regarding claim 11, Parham shows in figure 14, at least a portion of the vessel reflector (290) is located within said neck portion (extension of base portion 252a not labeled).

Regarding claim 12, Parham is silent to a geometric continuation of the main reflector passing through the discharge vessel.

However, Eggink teaches this configuration at figure 1, which allows for a more compact lamp assembly which can fit into more platforms.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have a geometric continuation of the main reflector passing through the discharge vessel to allow for a more compact lamp assembly which can fit into more platforms.

Regarding claim 16, Parham shows in figure 14, the mostly ellipsoid-shaped discharge vessel (fig. 14; 258) comprises an extended end (uncoated light source portion of 264 best seen in figure 15), wherein the vessel reflector (290) covers a portion of the substantially ellipsoid-shaped discharge vessel (258) but does not mostly cover the end, and wherein the end (uncoated light source portion of 264 best seen in figure 15) extends in a direction of optically inactivated regions (inside reflecting surface of neck toward 280) of the further reflector (inside surface of 252b).

Claims 13-15 and 17 are rejected under 35 U.S.C. 103(a) as being as being unpatentable over Eggink in view of Parham.

Regarding claim 13, Eggink shows in figure 1 a lamp (not labeled) comprising an envelope (42) configured to include a light source (4); an envelope reflector (7) at least partially covering said envelope (42); a reflection portion (1) covered with a further reflector (19); and a neck portion (12) extending from said reflection portion (1); wherein at least a portion of the envelope (42) is located within said neck portion (12), wherein said envelope (42) has an extended end (43), wherein an exposed electrode (41) extends out of the end (43), wherein said envelope reflector (7) covers a portion of said envelope but does not mostly cover said end (43), and wherein said end extends in a direction of said neck portion (12).

Eggink is silent to the discharge vessel being substantially ellipsoid-shaped.

However, Parham teaches in col. 12 ll. 23-31 having an ellipsoid-shaped light source with envelope reflector allows for the tuning of directed light into a desired beam pattern.

Therefore, in view of the above discussion, it would have been obvious to one having ordinary skill in the art at the time the invention was made to construct the device of Eggink with an ellipsoid-shaped envelope to allow for the tuning of directed light into a desired beam pattern.

Regarding claim 14, Eggink shows in figure 1, at least a portion of the envelope reflector (7) is located within said neck portion (12).

Regarding claim 15, Eggink shows in figure 1, a geometric continuation of the further reflector (19) passes through the envelope (42).

Regarding claim 17, Eggink shows in figure 1, the envelope (42) comprises an extended end (41), wherein the vessel reflector (7) covers a portion of the envelope (42) but does not mostly cover the end (41), and wherein the end (41) extends in a direction of optically inactivated regions (inside surface of neck toward 44) of the further reflector (19).

Eggink is silent to the discharge vessel being substantially ellipsoid-shaped.

However, as discussed above, Parham teaches in col. 12 ll. 23-31 having an ellipsoid-shaped light source with envelope reflector allows for the tuning of directed light into a desired beam pattern.

Therefore, in view of the above discussion, it would have been obvious to one having ordinary skill in the art at the time the invention was made to construct the device of Eggink with an ellipsoid-shaped envelope to allow for the tuning of directed light into a desired beam pattern.

Response to Arguments

Applicant's arguments filed 01/22/2007 have been fully considered but they are not persuasive.

Regarding independent claims 1 and 10, Applicant alleges that Parham does not disclose that the at least one primary reflector covers a portion of the hollow discharge vessel but does not mostly cover the end. The Examiner respectfully disagrees and reminds Applicant that the Examiner has given the claims their broadest reasonable interpretation in light of the supporting disclosure as per MPEP 2106. Since no special definition or special meaning has been assigned to either of the terms “mostly” or “the end,” the Examiner asserts that Parham does indeed disclose at least in figure 15 that the at least one primary reflector (290) covers a portion (an end portion) of the hollow discharge vessel (292) but does not mostly (i.e. for the most part; in the main) cover the end (not labeled uncoated section extending from 264).

Regarding independent claim 13, Applicant alleges that Eggink does not disclose that the at least one primary reflector covers a portion of the hollow discharge vessel but does not mostly cover the end. As explained *supra*, the Examiner respectfully disagrees since no special definition has been given to the terms “mostly” or “the end.” The Examiner asserts that Eggink does indeed disclose at least in figure 1 that the envelope reflector (7) covers a portion (an end portion) of the envelope (42) but does not mostly (i.e. for the most part; in the main) cover the end (43).

Furthermore, term “mostly” is a very difficult structural limitation to interpret from the perspective of one of ordinary skill in the art, since English language nearly characterizes the limitation as a relative term of degree. The Examiner encourages Applicant to amend the claims to better reflect what Applicant intends to claim as the invention, i.e. a specific distance or ratio of exactly how far down the primary reflector covers the lamp end.

Conclusion

This is a continuation of applicant's earlier Application No. 10/507182. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

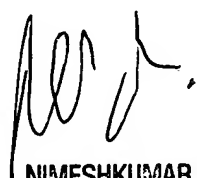
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter J Macchiarolo whose telephone number is (571) 272-2375. The examiner can normally be reached on 8:30 - 5:00, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimeshkumar Patel can be reached on (571) 272-2475. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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